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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,614	12/14/2000	Jea-Yong Yoo	2950-0179P	5790

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EXAMINER

PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,614

Applicant(s)

YOO ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 13, 14, 16-30 and 32-44 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6,246,401 B1 (Setogawa et al.), herein referred to as Setogawa.

Referring to claims 13 and 29, Setogawa discloses a menu-driven remote control method of a video apparatus connected to a disc device (column 3, lines 47-53). Setogawa also discloses being able to reproduce a recording medium with contents recorded thereon (column 1, lines 7-11). Setogawa also discloses displaying a first menu page with first type menu items associated with functions or operations of the disc device (column 9, lines 1-10), referred to as the basic DVD system menu. Setogawa discloses items within the first menu that when chosen takes the user to a second type menu item for requesting a new menu page that is suppliable from the recording medium, wherein the menu data is supplied by the DVD player (column 10, lines 8-35 and column 11, lines 1-3). Setogawa has also previously discussed wherein the recording apparatus, which is the DVD player, provides the menu screen data (column 1, lines 7-15). Setogawa also discloses constructing, if the second type menu item is selected from the displayed first menu page, a command in association with the selected second type menu item, and transmitting the constructed command to said disc device (column 10, lines 29-35).

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Setogawa also discloses receiving the new menu page from the recording medium, wherein this new menu page is the chapters page received from the DVD player and displaying, on the video apparatus (reference number a, Figure 3), the received new menu page and sending, if a sub-menu item is selected from the displayed new menu page, selection information on the selected sub-menu item to said disc device that reproduces recorded contents of the recording medium based on the selection information, wherein the selection of the chapters takes one to the contents of that selected chapter and presenting the reproduced contents received from said disc device (column 1, lines 31-36), wherein the sub-stories are the chapters of a story, and when chosen displays the contents of those sub-stories or chapters to the user in the video apparatus of the data received from the DVD player.

Referring to claims 14 and 30, Setogawa discloses that the first type menu items are displayed with menu data stored in a memory of the video apparatus (column 1, lines 11-13).

Referring to claims 16 and 32, Setogawa discloses that the selection information includes position information associated with a cursor pointed to a certain sub-menu item on the new menu page displayed (column 3, lines 50-53 and column 10, lines 29-35).

Referring to claims 17 and 33, Setogawa discloses constructing, if one of the first type menu items is selected, a command in association with the selected first type menu item, and transmitting the constructed command to said disc device that conducts a function or operation corresponding to said selected first type menu item (column 1, lines 12-15).

Referring to claims 18 and 34, Setogawa discloses that the second type menu item for requesting the new menu page is displayed using menu data stored in a memory of the video apparatus (column 10, lines 51-60).

Referring to claims 19 and 35, Setogawa discloses highlighting any selected first or second type menu item to distinguish from non-selected menu items (column 11, lines 31-36).

Referring to claims 20 and 36, Setogawa discloses that the new menu page is a title menu page, an audio menu page, or a chapter menu page (Figure 3 and column 10, lines 24-28).

Referring to claims 21 and 37, Setogawa discloses a menu-driven remote control method of an audio apparatus (column 1, lines 17-23 and column 3, lines 47-53), wherein both audio and video data is represented in the DVD player, the DVD player thereby also representing an audio apparatus. Setogawa also discloses connecting to a disc device that is able to reproduce an audio signal from a recording medium recorded with at least the audio signal (reference number 102, Figure 5 and column 3, lines 16-25). Setogawa discloses receiving menu items that are reproduced from the recording medium by the disc device in a data stream (column 10, lines 52-60). Setogawa also discloses presenting, on the audio apparatus, the received menu items in non-graphical form (Figure 19), and sending selection information about a menu item selected from the presented menu items to said disc device that reproduces the recorded audio signal of the recording medium in response to the selection information (Figure 19B and column 38, lines 1-7). Setogawa also discloses receiving and outputting the reproduced audio signal from the disc device (column 1, lines 17-23).

Referring to claims 22 and 38, Setogawa discloses that in the step (c) of claim 21, the non-graphical form means text only (Figure 19).

Referring to claims 23 and 39, Setogawa discloses that the received data stream is presented on a small-sized LCD equipped in the audio apparatus (column 16, lines 59-64).

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Referring to claims 24 and 40, Setogawa discloses that the selection information about a selected menu item includes position information on a text-displaying window (column 40, lines 1-9).

Referring to claims 25 and 41, Setogawa discloses a method of controlling a remote device through a main device using menu pages (column 3, lines 48-53). Setogawa also discloses displaying, on the main device, a first menu page, the first menu page including at least one first type menu item for performing an operation on the remote device (column 3, lines 48-53), wherein the main display device with the GUI screen displays the menu type that is performing an operation on the remote device which is the DVD player. Setogawa also discloses a second type menu item for requesting a new menu page and displaying, on the main device, the new menu page if the second type menu item is selected, wherein an operation of the remote device is controlled remotely by manipulating the menu pages on the main device (column 3, lines 48-53 and column 10, lines 24-28). Setogawa also discloses wherein the first and second menu items of the first menu page are prestored in and supplied from a memory of the main device (column 1, lines 10-15).

Referring to claims 26 and 42, Setogawa discloses that the main device is a television (column 16, lines 60-63), and the remote device is a DVD player (column 1, lines 7-15).

Referring to claims 27 and 43, Setogawa discloses that the new menu page is a title menu page, an audio menu page, or a chapter menu page (Figure 3 and column 10, lines 24-28).

Referring to claims 28 and 44, Setogawa discloses that the new menu page is stored in and supplied from an optical disk accessible by the remote device (column 13, lines 53-62).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setogawa and U. S. Patent No. 5,929,857 (Dinallo et al.), herein referred to as Dinallo.

Referring to claims 15 and 31, Setogawa does not disclose specifically that the menu items include playback, stop, pause, fast-forward, rewind, forward and backward operations. Dinallo discloses that the first type menu items are respectively related with playback, stop, pause, fast forward, rewind, forward, and backward operations of the recording medium (Figure 4), wherein all these operations are displayed through its respective graphic buttons. It would have been obvious for one skilled in the art, at the time of the invention to learn from Dinallo to include these specific operation, wherein the first type menu items are respectively related with playback, stop, pause, fast forward, rewind, forward, and backward operations of the recording medium. These operations are basic operations that would be included in a playback apparatus such as a DVD player, as discussed in both Setogawa and Dinallo which both deal with DVD players for recording and reproducing data. Hence, it would have been obvious for one skilled in the art, at the time of the invention to learn from Dinallo or even basic video apparatus which all include the above mentioned operations to implement menu items that would allow users to manipulate operations such as playback, stop, pause, fast forward, rewind, forward, and backward operations of the recording medium.

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Response to Claim Changes

3. The Examiner acknowledges Applicant's cancellation of claims 1-12 and the addition of new claims 13-44. However, all claims are rejected under 35 U. S. C. 102 and 103 as being previously disclosed in prior art.

Response to Arguments

4. Applicant's arguments filed 10/6/03 have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

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Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

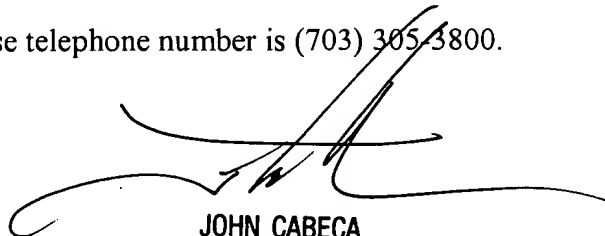
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
January 6, 2004



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